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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2010 - 331**

12 **SELMA S. BEMISTER,**
13 **a.k.a. SELMA S. SAENZ,**
a.k.a. SELMA SAENZ BEMISTER
14 **118 Armstrong Avenue**
Dumas, TX 79029
15 **Registered Nurse License No. 587518**

A C C U S A T I O N

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about September 19, 2001, the Board issued Registered Nurse License Number
23 587518 to Selma S. Bemister, also known as Selma S. Saenz and Selma Saenz Bemister
24 ("Respondent"). The registered nurse license was in full force and effect at all times relevant to
25 the charges brought herein and will expire on June 30, 2011, unless renewed."

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1 emergency department ("ED") staff nurse at Mercy General Hospital, Sacramento, California
2 (hereinafter "Mercy").

3 9. On or about March 19, 2004, at approximately 0202 hours, paramedics with the City
4 of Sacramento Fire Department found C. R., a 24 year old female, in a motel room, lying supine
5 on the bed following an assault. C. R. had reportedly been struck in the face several times, had
6 marks to her trachea, and appeared to have been choked. The paramedics started an IV and noted
7 that C. R. was hypotensive and acting erratically.

8 10. At approximately 0255 hours, C. R. arrived at Mercy. The paramedics reported to
9 Respondent, who was on duty in the ED, that C. R. had been assaulted, was complaining of being
10 paralyzed, and had neck pain. Respondent documented in the ED Record that C. R. had a score
11 of 14 on the Glasgow Coma Scale (indicating that the patient was confused), and that C. R. had
12 neck pain and dried blood on her lips and face. Respondent assessed C. R.'s extremities and
13 noted that C. R. "moves all extremities equal." Respondent noted further that C. R. had no
14 sensation to her bilateral lower extremities.

15 11. At approximately 0355 hours, another nurse documented in the ED Record that C. R.
16 was undressed and had been placed in c-spine precautions¹, and that the patient had no movement
17 in her right arm/leg, diminished reflexes, and redness around her neck consistent with
18 strangulation.

19 12. At approximately 0552 hours, an x-ray of C. R.'s cervical spine revealed anterior
20 subluxation at the C5-6 with facet joint dislocation and probable associated posterior element
21 fractures. At approximately 0734 hours, C. R. was intubated and mechanically ventilated to
22 maintain her airway. C. R. began to exhibit signs of respiratory distress, and was reported to be
23 diaphoretic, with accessory muscle use, gasping, and a pulse oximetry of 89%. At approximately
24 0900 hours, C. R. was transferred to UC Davis Medical Center via critical care support.

25 13. Respondent is subject to disciplinary action pursuant to Code section 2761,
26 subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about March 19, 2004,

27 ¹ C-spine precautions, including hard cervical collar, keep the cervical spine immobile,
28 especially when the patient is rolled or moved.

1 Respondent was guilty of gross negligence in her care of C. R. within the meaning of Regulation
2 1442, as follows:

3 a. Respondent failed to stabilize C. R.'s cervical spine with a firm cervical collar or
4 initiate any c-spine precautions for the patient despite the fact that the patient had reportedly been
5 assaulted and was complaining of being paralyzed, and despite Respondent's own assessment that
6 the patient had no sensation to her bilateral lower extremities.

7 b. Respondent failed to report her findings or assessment as above to the ED physician.

8 c. Respondent failed to undress C. R. so that a full secondary survey could be performed
9 of the patient.

10 d. Respondent failed to assess and/or monitor C. R.'s airway, failed to assess C. R.'s
11 respiratory status (other than taking her vital signs), including an assessment of changes in the
12 patient's voice quality or pain with swallowing, edema of the neck, or crepitus (air leaking into
13 subcutaneous tissue), and failed to determine whether the patient had any point tenderness of the
14 neck.

15 e. Respondent failed to perform any interventions to enhance C. R.'s respiratory status.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct)**

18 14. Complainant incorporates by reference as though fully set forth herein the allegations
19 contained in paragraphs 8 through 12 above.

20 15. Respondent is subject to disciplinary action pursuant to Code section 2761,
21 subdivision (a), in that on or about March 19, 2004, Respondent committed acts constituting
22 unprofessional conduct in her care of patient C. R., as set forth in paragraph 13 above.

23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board of Registered Nursing issue a decision:

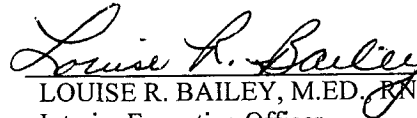
26 1. Revoking or suspending Registered Nurse License Number 587518, issued to Selma
27 S. Bemister, also known as Selma S. Saenz and Selma Saenz Bemister;
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1 2. Ordering Selma S. Bemister, also known as Selma S. Saenz and Selma Saenz
2 Bemister, to pay the Board of Registered Nursing the reasonable costs of the investigation and
3 enforcement of this case, pursuant to Business and Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.

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6 DATED: _____

1/13/10



LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant